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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,673	01/18/2001	Ram K. Ramesh	D-42035-06	8627
28236	7590	01/20/2006	EXAMINER	
CRYOVAC, INC. SEALED AIR CORP P.O. BOX 464 DUNCAN, SC 29334			HARMON, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/764,673	RAMESH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher R. Harmon	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/10/05.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 29-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 29-57 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Objections***

1. Claim 49 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-38 and 40-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 3,130,647) in view of Ohya (EP 0149321).

Anderson et al. disclose a process for making a backseamed casing comprising preparing a multilayer heat shrinkable film, wrapping the film longitudinally around a forming shoe with opposing edges overlapped and sealed forming a backseam while

forwarding the film; see figure 13. Anderson discusses varying the thickness of at least one ply of the multilayer web; see column 3, lines 10-15 and lists possible materials such as "polyethylene, styrene, nylon, vinylidene and chloride fluorocarbon plastic being representative, but not exclusive.", column 4, lines 7-8. Ohya teaches preparing a multilayer heat shrinkable film comprising a first and third outer layers comprising anhydrous polyolefin (preferred list page 6, 2<sup>nd</sup> paragraph); second layer comprising polyester or a first polyamide of 5 to 40% thickness (of total); fourth layer of VDC (O2 barrier layer); see page 2 and 11. It would have been obvious to one of ordinary skill in the art to use the materials as taught by Ohya in the invention to Anderson et al. for manufacturing the backseamed casing.

Regarding claim 45, Anderson et al. disclose a lap seal (figure 2).

Limitations such as vicat softening points of 90 degrees (claim 33), 9% by weight of unsaturated acid mer present (claim 34), variations of layering, etc. are obvious design choices and at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the desired polymer layer.

Regarding claim 48, Anderson does not disclose the first outer layer consisting of a blend of a propylene/ethylene copolymer and homogeneous ethylene/alpha-olefin copolymer having a density of less than .9 g/cc making up a majority of the first outer layer.

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 3,130,647) in view of Ohya (EP 0149321) in further view of Schirmer (US 4,448,792).

Anderson et al. do not directly disclose three to six layers of film forming the multilayer film, however Schirmer teaches constructing a thermoplastic heat shrinkable multilayer (six layers) bag, see figures 1 and 2. Schirmer also teaches oxygen barrier layer 14 comprising polyvinylidene chloride copolymer. The casing film shrinks in near boiling water or 185 degrees F, see column 4, lines 43-45. Schirmer discloses using propylene homopolymers or copolymers for a specific layer (see column 3, lines 58-67). It would have been obvious to one of ordinary skill in the art to add layers as taught by Schirmer in the modified invention to Anderson et al.

### ***Response to Arguments***

6. Applicant's arguments filed 11/10/05 have been fully considered but they are not persuasive. Regarding Anderson et al., the forming shoe includes forming surface 43 which extends inside (ie. completely encircled) the longitudinally wrapped web in order to form the backseam. While the web does wrap around the inner surface of the cylindrical portion of the former/shoe, element 43 is considered an essential part of the forming shoe; see figure 13.

Regarding the common knowledge modification previously taken (Official Notice), in order to adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37

CFR 1.111(b). See MPEP 2144.03(c) and also Chevenard, 139 F.2d at 713, 60 USPQ at 241. Therefore the common knowledge modifications in above paragraph 3 are taken to be admitted prior art.

Regarding the arguments against the obviousness of the combination, secondary considerations of evidence of unexpected results are given added weight and/or consideration when in the form of an affidavit or declaration filed under 37 CFR 1.132.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

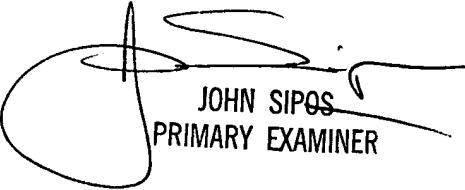
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN SIPOS  
PRIMARY EXAMINER